

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF:

MISDEMEANOR CHARGES
PURSUANT TO 50 U.S.C. Section 797
AND 18 U.S.C. Section 1382

25-MC-19

AFFIDAVIT

STATE OF NEW MEXICO)

:ss

COUNTY OF DONA ANA)

COMES NOW, Horlando Lopez, of lawful age, being duly sworn upon my oath, do
hereby depose and state to the Court as follows:

- (1) I am an investigator at the Federal Public Defender's Office.
- (2) On May 7, 2025, I participated in a tour of the border area in question with United States Border Patrol.
- (3) On the tour, I saw the border wall separating the United States and Mexico.
- (4) According to the border patrol agents on the tour, border patrol received maps of the military land in question and believed the military land to be the strip of land beginning immediately at the border wall and extending 60 feet into New Mexico.
- (5) I observed signs similar to the one the Government included in its brief (Doc. 4 at 2).
- (6) We were not allowed to photograph the signs or their locations.
- (7) The signs are stapled to boards and placed on stakes in the ground.

**DEFENDANT'S
EXHIBIT**

A

- (8) The signs were approximately 200-300 feet apart from each other and seem to be more than 60 feet away from the border wall.
- (9) The words on the signs were not visible from the border wall, which appeared approximately twenty feet tall.
- (10) I did not see any lighting in the area.
- (11) It appeared to me that as if someone could scale the wall between the two signs, walk straight into the desert, and never see a sign.
- (12) Considering the placement of the signs, even if a migrant saw and read a sign, he or she would have already crossed through and exited the military land.

FURTHER AFFIANT SAYETH NAUGHT.


HORLANDO LOPEZ

SUBSCRIBED AND SWORN TO before me this 8th day of May, 2025,

by Horlando Lopez, affiant herein.

Notary Public _____
My Commission Expires: _____

STATE OF NEW MEXICO NOTARY PUBLIC GILBERT R. APODACA, JR. Commission # 1092557 My Comm. Exp. May 19, 2025

